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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,032	02/19/2004	Matthew L. Severns	OM145	4277
26009	7590	12/22/2005		
ROGER M. RATHBUN 13 MARGARITA COURT HILTON HEAD ISLAND, SC 29926			EXAMINER BOTTORFF, CHRISTOPHER	
			ART UNIT 3618	PAPER NUMBER
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,032	SEVERNS, MATTHEW L.	
	Examiner	Art Unit	
	Christopher Bottorff	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of invention I, relating to claims 1-9, in the reply filed on December 12, 2005 is acknowledged. Claims 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on May 7, 2004 was considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. US 2002/0114983.

Frank et al. disclose a transport cart having a source of electrical power comprising a fuel cell 200. See paragraph 0028, lines 2-4.

The transport cart is capable of being attached to a patient care apparatus, which is capable of supporting a patient, by any suitable attachment mechanism. See Figure 1. The transport cart is capable of being electrically connected to the patient care apparatus via a power cord accommodated by receptacle 110 to supply electrical power to the patient care apparatus. See Figure 1 and paragraph 0023, lines 8-11. Also, the cart can be moved with the patient care apparatus for transporting the attached patient care apparatus. See paragraph 0026.

The patient care apparatus to which the transport cart is capable of being attached may be any compatible power consuming device, including an infant care apparatus. See paragraph 0023, lines 8-11. The transport cart includes a fuel reservoir 300 to contain fuel for use in the fuel cell, and the fuel reservoir is readily replaceable. See paragraphs 0034 and 0043. The transport cart has wheels 132, 134 to enable it to be readily moved along with an infant care apparatus. See Figure 1. Also, the fuel cell comprises a hydrogen-oxygen fuel cell. See paragraph 12, lines 6-8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al. US 2002/0114983 in view of Negishi US 6,165,633.

Frank et al. do not disclose that fuel cell system is a methanol system that includes a reformer or that the fuel cell utilizes zinc pellets to create electrical power. However, Negishi teaches that providing a fuel cell system as a methanol system that includes a reformer 22 is desirable. See column 12, lines 1-7. The system of Negishi includes a fuel reservoir 28 to contain methanol in liquid form and the reformer 22 converts the liquid methanol into hydrogen gas that is used in the fuel cell. See column 15, lines 46-48. Negishi further teaches the desirability of utilizing zinc pellets in a fuel cell system to create electrical power. See column 17, lines 41-43, and column 17, line 56, through column 18, line 4.

From the teachings of Negishi, providing the fuel cell system of Frank et al. as a methanol system that includes a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize the duration that hydrogen, a volatile fuel, is present in the system by storing and converting methanol rather than storing hydrogen. From the further teachings of Negishi, utilizing zinc pellets in the fuel cell system that includes methanol and a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would assist in the reforming process.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beld et al. and Cockrill each disclose an infant care apparatus tha is adapted to be attached to and electrically connected to a transport cart that

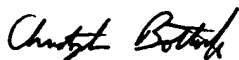
Art Unit: 3618

supplies electrical power. Fillman et al. disclose a transport cart with a source of electrical power. Mackin et al. and Koch et al. each disclose an infant care apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Bottorff